

CHAPTER 150
DIVISION OF CRIMINAL INVESTIGATION CRIMINALISTICS LABORATORY

[Prior to 11/22/06, see 661—Ch 12]

661—150.1(691) Criminalistics laboratory. The state criminalistics laboratory, created in Iowa Code section 691.1, is located, pursuant to that section, within the division of criminal investigation.

150.1(1) Identification. The state criminalistics laboratory shall be known as the division of criminal investigation criminalistics laboratory. Unless the context clearly implies otherwise, the term “laboratory,” when used in this chapter, shall mean the division of criminal investigation criminalistics laboratory.

150.1(2) Administration. The laboratory shall be headed by an administrator who shall report to the director of the division of criminal investigation.

150.1(3) Contact information.

a. The address of the laboratory for receiving mail or shipped materials is:

Iowa DCI Criminalistics Laboratory

2240 South Ankeny Boulevard

Ankeny, Iowa 50023

b. The telephone number of the laboratory is (515)725-1500.

c. Information regarding the laboratory may be obtained from the department Web site.

NOTE: Currently, information about the laboratory may be found at www.dps.state.ia.us/DCI/Crime_Lab/index.shtml.

661—150.2(691) Purpose and scope of work. The laboratory provides forensic science services to law enforcement agencies within the state of Iowa. The laboratory shall, within its capabilities, conduct analyses and comparative studies on physical evidence to aid in any criminal investigation, when requested by a prosecuting attorney, a medical examiner, or a law enforcement agency.

150.2(1) Resource or capability limitations.

a. The laboratory administrator may refuse any request to conduct an analysis when, in the judgment of the administrator, the laboratory is unable to adequately conduct the requested analysis, either because of resource limitations or because the analysis is not within the professional capabilities of laboratory personnel.

b. The laboratory administrator may establish a policy excluding evidence of specific types or evidence arising from certain types of cases from being accepted by the laboratory, if the administrator finds that such a policy is necessary either due to resource constraints, safety concerns, or the professional capabilities of laboratory personnel. Any policy adopted pursuant to this paragraph shall be provided to all county attorneys, medical examiners, and law enforcement agencies within Iowa.

c. If analysis by the laboratory of specific evidence arising from a criminal investigation in Iowa has been excluded pursuant to either paragraph “a” or “b,” the administrator may, at the administrator’s discretion, assist the agency requesting the analysis in locating the services of another laboratory able to perform the requested analysis.

150.2(2) Exclusion by law. The laboratory shall only perform analyses which have arisen from, or will aid in, criminal investigations or which are otherwise provided for by law.

661—150.3(691) Laboratory capabilities. The laboratory is capable of performing any forensic scientific analysis for which a laboratory staff member has received appropriate training and for which the necessary equipment and materials are available to the staff member performing the analysis.

The following subrules catalogue and explain specific laboratory capabilities. These descriptions and explanations are provided for informational purposes and in no way limit the authority of the laboratory to perform any analysis for which a staff person is appropriately trained and for which necessary equipment and materials are available. Further information regarding the current forensic science capabilities of the laboratory may be obtained in the Iowa Criminalistics Laboratory Quality Assurance Manual, published by the division of criminal investigation criminalistics laboratory.

150.3(1) *Crime scene response.* The laboratory may assist law enforcement agencies, when appropriate, by responding to a crime scene and may examine, collect and preserve physical evidence.

150.3(2) *Breath alcohol section.* The breath alcohol section provides testing, approval, repair, maintenance and certification of breath testing instruments, provides officer training and certification in the use of evidential breath testing equipment, and provides expert testimony in the area of breath testing instrumentation and the effects of alcohol on the human body.

150.3(3) *Controlled substance identification.* The laboratory will identify and quantify, when appropriate, materials suspected to contain controlled substances, and will identify items of significance recovered from clandestine drug laboratories.

150.3(4) *DNA.* The laboratory will examine evidence for human biological samples and characterize the samples using DNA technologies.

150.3(5) *DNA profiling.* The laboratory will generate and maintain DNA profiles from qualifying offenders.

150.3(6) *Firearms.* The firearms section examines firearms, ammunition and ammunition components to determine whether a specific firearm fired a specific bullet or cartridge case or, lacking a specific firearm, to determine the possible type of firearm which could have fired the evidentiary bullets and cartridge cases. The firearms section also reconstructs shooting scenes to determine the distance from the muzzle of the firearm to the target, and examines firearms to determine if they function as designed or have been altered from the original design.

The firearms section also maintains a reference collection of firearms and ammunition for comparison purposes and is responsible for the inventory and destruction of firearms forfeited to the laboratory under the Iowa Code.

150.3(7) *Latent prints and impressions.* The latent prints and impressions section:

- a. Examines evidence for visible or latent prints.
- b. Makes comparisons to known friction skin exemplars of the fingers, palms and soles of the feet.
- c. Examines footwear, tire tracks, and other impression evidence and compares the evidence to known exemplars.

150.3(8) *Photography.* The photography section provides photographic services, both digital and film-based, required by all divisions of the department of public safety.

150.3(9) *Questioned documents.* The questioned documents section characterizes and compares handwritten and machine-produced documents to determine facts about their origins.

150.3(10) *Tool marks.* The tool marks section examines tools and tool marks to determine whether a specific tool produced a specific mark on an item of evidence or, lacking the tool, what type of tool produced a specific mark.

150.3(11) *Toxicology.* The toxicology section examines biological samples for the presence of ethyl alcohol and common drugs of abuse.

150.3(12) *Trace and arson.* The trace and arson section examines submitted materials to characterize, identify, or compare them using various analytical techniques. Examples of materials include but are not limited to: ignitable liquids, glass, paint, soil, building materials, explosives, and fibers.

661—150.4(691) Evidence submission to the laboratory.

150.4(1) Evidence may be submitted to the laboratory by:

- a.* Any law enforcement agency in Iowa;
- b.* The Iowa department of corrections;
- c.* Any other criminal or juvenile justice agency, with the approval of the laboratory administrator; or
- d.* Any other state agency, with the approval of the laboratory administrator.

150.4(2) Evidence may be submitted to the laboratory via regular, certified, or registered mail or personal service. All evidence submitted must be accompanied by a standard laboratory receipt form that describes each item and its container, if any, and lists examination requests.

NOTE: The standard laboratory receipt form may be found on the Web site of the department. Currently, it is located at http://www.dps.state.ia.us/DCI/Crime_Lab/index.shtml.

150.4(3) Evidence submitted to the laboratory which is not personally delivered shall be packaged in such a manner that laboratory personnel can determine that the package has not been opened while in transit. If the laboratory receives an unsealed or damaged package, the laboratory may refuse to process such evidence, if the integrity of the evidence has been compromised.

661—150.5(17A,691) Distribution of reports.

150.5(1) A copy of each completed report of analyses performed by the laboratory shall be provided to the submitting officer and to the prosecuting attorney. The prosecuting attorney shall be responsible for providing copies of any laboratory report to the defendant or defendants as required by law.

150.5(2) Results of laboratory analyses shall not be made available to any unauthorized person or organization.

661—150.6(17A,691) Disposition of evidence.

150.6(1) Evidence will be returned to the submitting agency, unless one of the following conditions applies:

- a.* Retention of the evidence would be beneficial for future laboratory analysis.
- b.* Returning the evidence presents a hazard to health or safety. Any required notice to the defendant of destruction of evidence pursuant to this paragraph is the responsibility of the prosecuting attorney.

150.6(2) Evidence shall not be transferred or submitted to any person or agency other than the submitting agency without an applicable court order, unless authorized by the submitting agency.

These rules are intended to implement Iowa Code chapter 691.

[Filed 6/30/75]

[Filed 4/12/76, Notice 3/8/76—published 5/3/76, effective 6/7/76]

[Filed emergency 6/4/76—published 6/28/76, effective 6/4/76]

[Filed 2/28/78, Notice 1/11/78—published 3/22/78, effective 4/26/78]

[Filed emergency 1/25/79—published 2/21/79, effective 1/25/79]

[Filed 6/7/79, Notice 5/2/79—published 6/27/79, effective 8/2/79]

[Filed 4/1/88, Notice 9/23/87—published 4/20/88, effective 5/25/88]

[Filed 11/2/06, Notice 9/13/06—published 11/22/06, effective 1/1/07]